

## Probate Notes for July 12, 2007

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, contact the civil division at (530) 406-6704. If you wish to have your petition preapproved, contact the probate examiner at (530) 406-6718 between the hours of 2 p.m. and 4 p.m.

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**Case: Probate Conservatorship of Juvinall**  
**Case No. CV PB 05-47**

No new documents have been filed.

The petitioner's Response to Probate Notes filed June 19, 2007, fails to adequately respond to the court's request for a declaration in support of conservator's fees which (a) separates her hours from her staff hours, and (b) states the skills and services of each staff person to justify \$80 per hour. Petitioner has not complied with CA Rules of Court, Rule 7.751(b), referring to Rule 7.702(5): *State the hourly rate of each person who performed services and the hours spent by each of them.* The court notes that petitioner is conservator of the estate only, and is therefore less persuaded that her duties handling the conservatee's financial affairs require "24 hours per day, seven days a week" attention. The court is inclined to deny the request for conservator's fees until petitioner has complied with the requirements of the Rules of Court.

**Case: Probate Conservatorship of McCullough**  
**Case No. CV PB 96-83**

No new documents have been filed. The following problems are noted.

1. The conservatee's spouse has not been served since the first accounting. An explanation for the failure to serve him is required.
2. The amount listed for property on hand at the beginning of the fifth account does not match the amount listed for property on hand at the end of the fourth account. An explanation is required.
3. An allegation disclosing whether all cash has been invested and maintained in interest-bearing accounts or in investments authorized by law or the governing instrument, except for an amount of cash reasonably necessary for the orderly administration of the estate, is required.
4. The original bank statements for the accounting period as required under Probate Code § 2620(c); and
5. The court investigator's report is not yet filed.

**Case: Probate Conservatorship of Lindsay**  
**Case No. CV P2 07-90**

It is recommended to grant the petition for appointment of probate conservator of the person.

**Case: Estate of Jack**  
**Case No. CV PB 06-118**

Notice was not properly sent to C. J. Bloed, a minor. Except as permitted under Probate Code section 1460.1, notice must be mailed directly to the minor, in addition to notice being sent to the person having legal custody of the minor. (Rule 7.51(d), Cal. Rules of Court.)

With regard to the proposed terms of the C. J. Bloed Education Trust (Exhibit K), Petitioner is requested to provide legal authority for: (1) the age limitation set forth at paragraph 3; and (2) the residuary terms which state that the remaining balance of the trust is distributed to Michael Bloed or his estate.

Petitioner is requested to provide legal authority which supports the use of extrinsic evidence such as the Declaration of Michael Bloed to interpret the relevant terms of decedent's will.

**Case: Estate of Goodrich**  
**Case No. CV PB 06-180**

It is recommended to approve the first and final report on waiver of account of co-administrators and grant the petition for its settlement, for statutory attorney's fees, for authorization to withhold closing costs and for final distribution.

**Case: In the Matter of the 1994 Craig Trust**  
**Case No. CV P2 07-111**

It is recommended to grant the petition to modify and terminate certain trust provisions.